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TELECOPIER TRANSMITTAL COVER SHEET

DATE: December 21, 2004

TO: Frederick L. Lagman

FROM: William David Kiesel

SEND TO FAX NUMBER: 703-872-9306

OUR FILE NUMBER: 10,276,001 – Applicant: Malcolm Lofton – Application No.:
~~09,185,999~~ – Title: “Portable Floodwater Barrier System”
~~10/659623 T.W.~~

MESSAGE: Attached is a copy of the § 312 Amendment that we mailed to you on November 2, 2004. Please confirm receipt of this transmittal.

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 9

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PATENT OFFICE: Please stamp with date received and return to sender.

APPLICANT: Malcolm B. Lofton
TITLE: Portable Floodwater Barrier System
SERIAL NO.: 49485499-10/659623
DOCKET NO.: 10-276.001

NOTE: The stamp hereon indicates receipt of § 312
Amendment (5 pages); Transmittal Form; Certificate of Mailing;
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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT: Malcolm B. Lofton
FILING DATE: September 10, 2003
SERIAL NO.: 09/183,999 10/659623^{TW}
TITLE: Portable Floodwater Barrier System
DOCKET NO.: 10,276.001

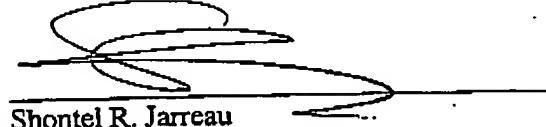
EXAMINER: FREDERICK L. LAGMAN
LAW OFFICE 3673
ASSISTANT COMMISSIONER FOR PATENTS
P.O. BOX 1450
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CERTIFICATE OF MAILING (37 CFR 1.8a)

Date of Deposit: November 2, 2004

I hereby certify that the following paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Examiner Frederick L. Lagman; Law Office 3673; Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450:

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Shontel R. Jarreau

PTO/SB/21 (09-04)

Approved for use through 07/31/2006, OMB 0851-0031

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 8

Application Number	09/189,999 10/659623
Filing Date	SEPTEMBER 10, 2003
First Named Inventor	MALCOLM B. LOFTON
Art Unit	3673
Examiner Name	FREDRICK L LAGMAN
Attorney Docket Number	10,278.001

ENCLOSURES (Check all that apply)

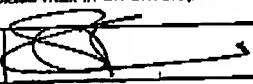
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	ROY, KIESEL, KEEGAN & DENICOLA		
Signature			
Printed name	WILLIAM DAVID KIESEL		
Date		Reg. No.	25,883

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Typed or printed name SHONTEL R. JARREAU

Date NOVEMBER 2, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the gathering, preparing, and submitting the completed application form to the USPTO, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT AND TRADEMARK OFFICE

APPLICANT: MALCOLM B. LOFTON ATTY DOC #: 10,276.001

10/659623 TW.
SERIAL NO.: 09/185,999 ART UNIT: 3673

FILING DATE: SEPTEMBER 10, 2003 EXAMINER: LAGMAN, FREDERICK L.

TITLE: "PORTABLE FLOODWATER BARRIER SYSTEM"

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

§ 312 AMENDMENT

Applicant wishes to thank the Examiner for his courtesy in the telephone interview to discuss the pending allowed claims. It is respectfully requested to eliminate unnecessary limitations and to clarify the definition of the invention that the allowed claims be amended to read:

1. (Amended) A module [An elongated flexible tubular member] for use in forming a floodwater barrier system, the module having an elongated flexible tubular member, the tubular member having a cavity open at its opposite ends, the tubular member having at least one fill opening [and at least one sealable drain], the improvement to which comprises:

- (a) a first rigid end cap attachable to one of the open ends of the tubular member in a manner to seal the one open end, and
- (b) a second rigid end cap attachable to the other end of the tubular member in a manner to seal the other end, each of the first and second rigid end caps